

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

MICHAEL MCKAY

Plaintiff,
vs.

Case No. 09-025035 NO
Hon. Jeanne Stempien

DETROIT POLICE OFFICER MYRON WATKINS,
DETROIT POLICE OFFICER FREDERICK PERSON
AND DETROIT POLICE OFFICER KEVIN CLARK

Defendants.

ROMANO LAW, P.L.L.C.
DANIEL G. ROMANO (P49117)
CHRISTINA DAVIS (P65098)
Attorney for Plaintiff
26555 Evergreen Road, Suite 1500
Southfield, Michigan 48076
248-750-0270 / fax 248-936-2105

DENNIS BURNETT (P27099)
Attorney for Defendants
1650 First National Building
Detroit, Michigan 48226
(313) 237-3013

There is another pending or resolved civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint with Case No. 09-025035 NO, and assigned to Judge Jeanne Stempien.

PLAINTIFF'S FIRST AMENDED COMPLAINT AND FOR JURY TRIAL

NOW COMES Plaintiff, MICHAEL MCKAY, by and through his attorneys, ROMANO LAW, P.L.L.C., and complaining against the above-named Defendants, states as follows:

1. That Plaintiff is a resident of the County of Wayne, State of Michigan.
2. That Defendants' are Detroit Police Officers.
3. That on July 24, 2009, at 6:30 p.m., Plaintiff was parked in front of his rental home in the City of Detroit standing beside his car, talking on his cell phone with his son

when Defendants, Gang Squad Officers, approached Plaintiff never identified themselves as Police Officers, and grabbed Plaintiff's side, made him end his call, asked him why he had a gun (**he has a CCW permit**) searched him and took his gun and issued him a ticket, for which the 36th District Court has no record.

4. That Defendants, DETROIT POLICE OFFICER MYRON WAKTINS and his Partners, DETROIT POLICE OFFICER FREDERICK PERSON, AND DETROIT POLICE OFFICER KEVIN CLARK joked that PLAINTIFF had a nice gun and told Plaintiff that they were going to keep his gun and told Plaintiff that they were going to keep his gun.
5. That Plaintiff filed a complaint with the Gun Board and a citizen's complaint with Detroit Police Internal Affairs, but DEFENDANTS HAVE NOT TURNED IN HIS GUN OR HIS CCW LICENSE.
6. That as Plaintiff was stunned by the Officers' unprofessional and unconstitutional behavior, the Defendant Watkins said to his partner "it's a nice gun, you can have it" and they kept the gun, Plaintiff's CCW license, his faith in the police and some of his dignity.
7. That Defendants' actions are outrageous, heinous and without provocation.
8. That the amount in controversy exceeds Twenty-Five Thousand Dollars or is otherwise within the jurisdiction of his court.

COUNT I
SECTION 1983 AGAINST INDIVIDUALS

Plaintiff incorporates each of the Common Allegations as though fully stated herein.

9. That 42USC Section 1983 provides for civil liability for deprivation of any right, privilege and immunities carried by the constitution and laws of the United States and the State of Michigan.
10. That at all times material herein, Defendants were acting under the color of law.
11. That at all times material herein, said Defendants subjected Plaintiff to deprivation of his rights, privileges and immunity secured by the Constitution of the United States and, more specifically, Amendment 4 of the laws of the United States and the State of Michigan.
12. That the above actions subjected Plaintiff to an unlawful search and seizure, excessive force and humiliation and degradation in deprivation of his Constitutional rights which include but are not limited to liberty and freedom from unlawful search, seizure and use of force by Defendants proximately caused the injuries and losses to Plaintiff as alleged herein thereby depriving Plaintiff of his rights, privileges and immunities secured by the United States Constitution and Amendment 4.

WHEREFORE, Plaintiff demands judgment against Defendants in whatever amount the Plaintiff is entitled together with exemplary and punitive damages, plus interest, costs, and attorney fees.

Respectfully submitted,

ROMANO LAW, P.L.L.C.

BY: _____

DANIEL G. ROMANO (P49117)
CHRISTINA D. DAVIS (P65098)
Attorney for Plaintiff
26555 Evergreen Road, Suite 1500
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DEMAND FOR JURY TRIAL

NOW COMES the above-named Plaintiff, by and through his attorneys, ROMANO LAW, P.L.L.C., and hereby makes formal demand for a trial by jury of the facts and issues involved in this cause of action.

Respectfully submitted,

ROMANO LAW, P.L.L.C.

BY: _____

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Dated: June 8, 2010